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October 7, 2024

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Exelixis, Inc. v. MSN Laboratories Private Limited, et al.*
C.A. No. 22-228 (RGA) (Consolidated)

Dear Judge Andrews:

Plaintiff Exelixis, Inc. (“Exelixis”) writes regarding Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.’s (collectively, “MSN”) Request for Judicial Notice, filed today. D.I. 184.

Exelixis was surprised to see MSN’s request for judicial notice concerning “bulk density” and “tapped density,” which MSN filed without prior notice to Exelixis. Indeed, in response to the Court’s October 3, 2024 order (D.I. 182), the parties collaborated on and filed a joint submission concerning “tapped density.” D.I. 183. During the parties’ discussions to prepare that joint submission, MSN raised the possibility of referencing certain documents outside the trial record in the joint submission, but ultimately did not seek to include such references. MSN did not state that it would be separately moving for the Court to take judicial notice of those documents.

In any event, the trial record is closed, and Exelixis disagrees that there is a basis for reopening the record at this stage. Exelixis does not believe that the definitions of “bulk density” or “tapped density” are material to the case. To the extent that MSN disagrees, however, MSN should have placed these definitions in the record during trial. Exelixis therefore opposes MSN’s request.

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October 7, 2024

Page 2

Respectfully,

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

cc: All Counsel of Record (via CM/ECF and e-mail)